Remarks

Applicant has reviewed the Office Action dated as mailed January 25, 2007. After the above amendments have been made, the present application contains 1-5 and 7-44. Claims 1, 2, 9, 21, 30, and 38 have been amended. Claim 6 has been canceled.

Claim Rejections under 35 U.S.C. §102

Claim 1 was rejected under 35 U.S.C §102(e) as being anticipated by McIchionc (U.S. Patent 6,973,578). This rejection is respectfully traversed. In paragraph [0002], the present application indicates that a personal computer, work station or the like may be infected by a virus even if the latest virus protection software and patches are downloaded regularly because viruses can infect thousands of computers before the virus is detected or a fix becomes available. Additionally as indicated in paragraph [0002], computer systems are particularly vulnerable between the outbreak of a new virus and the release of the anti-virus software to detect or scan and deal with the virus. Accordingly, the present application indicates disadvantages of anti-virus software to detect or scan for viruses and therefore, the present invention essentially teaches away from use of antivirus scanning or detection software. Additionally, in paragraph [0024], the present application teaches that a program may be flagged or identified as being <u>suspect for possibly containing a virus</u> in response to certain predetermined file system operations, example of which are described in paragraph [0014] (emphasis added). Accordingly, the present application teaches flagging a program <u>as being suspect for possibly containing a virus</u> and the present invention does not teach or suggest performing any virus scanning or detection actions. Accordingly, claim 1 has been amended to recite:

> "flagging a program as being suspect for possibly containing a virus without performing any virus scanning and detection actions..."

and also amended to recite:

"storing a file name and a location where the local or shared file is copied or written in response to the local or shared file being copied or written by the program without performing any virus scanning and detection actions."

In contrast, McIchionc teaches a system method and computer program product for efficient on-access computer virus scanning of files (see Abstract of McIchionc). Further, McIchionc does not teach or suggest storing a file name and a location where the local or shared file is copied or written in response to the local or shared file being copied or written by the program. This failure of McIchionic to teach or suggest this feature of the present invention is further confirmed on page 6 of the Office Action in rejecting dependent claim 6. Norton (article entitled "Norton Anti-Virus Corporate Edition User's Guide," dated 09/11/2001) was cited in rejecting claim 6 for teaching storing a file name and a location where the local or shared file is copied or written in response to the local or shared file being copied or written by the program. As indicated on page 13 of Norton, Norton conducts a virus scan to detect any viruses. As further indicated on page 32 of Norton, if viruses are detected during the scan, the dialogue box includes the name of the infected file, the name of the virus and the action taken. Accordingly, Applicant respectfully submits that Norton does not teach or suggest storing a file name and a location where the local or shared file is copied or written in response to the local or shared file being copied or written by the program without performing any virus scanning and detection actions as provided by the embodiment of the present invention recited in claim 1. For all of these reasons, Applicant respectfully submits that claim 1 as amended is patentably distinguishable over McIchionc and Norton, and reconsideration and withdrawal of the 35 U.S.C §102 rejection of claim 1 is respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 2, 6, 8-9, 13-16, 21, 23-25, 28, 30, 32-34, 38, and 40-43 were rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton (article entitled "Norton Anti-Virus Corporate Edition User's Guide," dated 09/11/2001). These rejections are respectfully traversed. With regard to the rejection of claims 2, 6 and 8, the features of claim 6 have been incorporated in independent claim 1 and claim 6 has been canceled. Claims 2 and 8 depend directly from independent claim 1. Because of this dependency, claims 2 and 8 include all of the features independent claim 1. As previously discussed, claim 1 has been amended to patentably distinguish

over McIchionc and Norton.   Therefore, claims 2 and 8 are also submitted to patentably distinguishable over McIchionc and Norton, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of claims 2 and 8 is respectfully solicited.

Turning now to the rejection of independent claim 9 under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton, claim 9 has been amended to recite:

> "logging any predetermined file system operations associated with the program including recording a file name and a location where a file is written without performing any virus scanning and detection actions."

Applicant respectfully submits that Norton teaches that if viruses are detected during a scan, a dialogue box includes the name of the infected file, the name of the virus and the action taken as indicated on page 32 of Norton and as referenced in the Office Action on page 8. Accordingly, Norton is performing a virus scan or detection action. Applicant respectfully submits that Norton does not teach or suggest logging any predetermined file system operations associated with the program including recording a file name and a location where a file is written without performing any virus scanning and detection actions as provided by the embodiment of the present invention as recited in claim 9.   Therefore, Applicant respectfully submits that claim 9 is patentably distinguishable over McIchionc and Norton, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of claim 9 is respectfully requested.

Regarding the rejection of claims 13-16 under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton, these claims contain additional features which further patentably distinguish over the cited documents. Additionally, these claims depend either directly or indirectly from independent claim 9. By virtue of that dependency, these claims contain all of the features of claim 9.   Accordingly, Applicant respectfully submits that claims 13-16 are also patentably distinguishable over McIchionc and Norton, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of claims 13-16 is respectfully requested.

With respect to the rejection of independent claim 21 under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton, claim 21 has been amended to recite:

> "means to log any predetermined file system operations associated with the other program including recording a file name and a location where a file is written without performing any virus scanning and detection actions."

As previously discussed, McIchionc does teach or suggest means to log any predetermined file system operations and Norton teaches performing a virus scan or virus detection operation to detect any viruses and then to log any files where such viruses are detected. Accordingly, Applicant respectfully submits that neither McIchionc nor Norton teach or suggest the features of claim 21 as recited above. Therefore, independent claim 21 is submitted to be patentably distinguishable over McIchionc and Norton, and reconsideration and withdrawal of the Section 103 rejection of claim 21 is respectfully solicited.

With respect to the rejection of claims 23-25 and 28, these claims recite additional features which further patentably distinguish over McIchionc and Norton. Additionally, these claims depend either directly or indirectly from independent claim 21, and by virtue of this dependency, contain all of the features of independent claim 21. Therefore, claim 23-25 and 28 are also submitted to be patentably distinguishable over McIchionc and Norton, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of these claims is respectfully solicited.

Turning now to the rejection of independent claims 30 and 38, these claims have been amended to recite similar features to independent claims 1, 9 and 21. Accordingly, claims 30 and 38 are also submitted to be patentably distinguishable over McIchionc and Norton for the same reasons as discussed with respect to independent claims 1, 9 and 21.

Regarding the rejection of claims 32-34 and 40-43, claims 32-34 depend either directly or indirectly from independent claim 30 and claims 40-43 depend either directly or indirectly from independent claim 38. As a result of these dependencies, claims 32-34 and 40-43 include all of the features of the respective referenced independent claim. Therefore, claims 32-34 and 40-43 are also submitted to be patentably distinguishable over McIchionc and Norton, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of these claims is solicited.

Claims 3-5 were rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Satterlee et al. (U.S. Patent Pub. No. 2004/0025015; hereinafter "Satterlee"). This rejection is respectfully traversed. With respect to claim 3, claim 3 depends directly from independent claim 1. Satterlee was cited in rejecting claim 3 for teaching a method for determining whether a program is approved to execute by comparing it to a predetermined list of approved programs and if the new program is not validated, the program can continue to load and execute but other security modules

are responsible for detecting, monitoring and responding to suspicious activity.   Applicant respectfully submits that Satterlee adds nothing to the teachings of claim 1 so as to render claim 1 unpatentable. Therefore, claim 3 is submitted to be patentably distinguishable over McIchionc and Satterlee, and reconsideration and withdrawal of the Section 103 rejection of claim 3 is respectfully requested.

With regard to the rejection of claim 4 under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Satterlee, claim 4 recites "permitting selected read and write operations in response to a predefined rules table." The Office Action cited paragraph [0039] of Satterlee in rejecting claim 4. Paragraph [0039] recites:

> "The configuration settings can include predetermined responses to particular threats and decision rules as to when the user should be queried about a security threat."

Applicant respectfully submits that permitting selected read and write operations in response to a predefined rules table as provided by the embodiment of the present invention as recited in claim 4 is patentably distinct from decision rules as to when a user should be queried about a security threat as taught by Satterlee. Additionally, claim 4 depends directly from independent claim 1, and by virtue of that dependency, claim 4 contains all of the features of claim 1. As previously discussed, Satterlee adds nothing to the teachings of McIchionc and Norton so as to render independent claim 1 unpatentable. For all of these reasons, claim 4 is submitted to be patentably distinguishable over McIchionc, Norton and Satterlee, whether considered individually or combined, and reconsideration and withdrawal of the Section 103 rejection of claim 4 is respectfully solicited.

With regard to the rejection of claim 5 under 35 U.S.C §103 as being unpatentable over McIchionc in view of Satterlee, claim 5 also depends directly from independent claim 1 and by virtue of that dependency includes all of the features of claim 1. Therefore, claim 5 is also submitted to be patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 5 is respectfully requested.

Claim 7 was rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc as applied to claim 1 and in view of Wolff et al. (U.S. Patent Pub. No: 2002/0174358; hereinafter "Wolff"). This rejection is respectfully traversed. Claim 7 depends directly from independent claim 1. Because of this dependency, claim 7 contain all of the features of independent claim 1.

Wolff was cited for teaching sending an event report, such as a virus detection event, from a reporting computer to a receiving computer via an internet link. Applicant respectfully submits that Wolff adds nothing to the teachings of McIchionc so as to render independent claim 1 unpatentable. Accordingly, claim 7 is also submitted to be patentably distinguishable over McIchionc and Wolff, and reconsideration and withdrawal of the Section 103 rejection of claim 7 is respectfully solicited.

Claims 10-12, 17, 19-20, 22, 26, 29, 31, 35, 37, 39, and 44 were rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton and further in view Satterlee. This rejection is respectfully traversed. Turning initially to the rejection of claims 10-12, 17, and 19-20, these claims depend either directly or indirectly from independent claim 1, and by virtue of that dependency, contain all of the features of independent claim 1. As previously discussed, claim 1 has been amended to patentably distinguish over McIchionc and Norton and Satterlee adds nothing to the teachings of McIchionc and Norton so as to render independent claim 1 unpatentable. Therefore, claims 10-12, 17 and 19-20 are submitted to be patentably distinguishable over McIchionc, Norton and Satterlee, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of these claims is respectfully requested.

With regard to the rejection of claims 22, 26 and 29, these claims depend either directly or indirectly from independent claim 21. Because of this dependency, claims 22, 26 and 29 contain all of the features of independent claim 21. As previously discussed, claim 21 has been amended to patentably distinguish over McIchionc and Norton. Also as previously discussed, Satterlee adds nothing to the teachings of McIchionc and Norton so as to render independent claim 21 unpatentable. For all of these reasons, claims 22, 26 and 29 are also submitted to be patentable over the cited documents and reconsideration and withdrawal of the Section 103 rejection of claims 22, 26 and 29 is respectfully requested.

Regarding the rejection of claims 31, 35 and 37, these claims depend either directly or indirectly from independent claim 30. Independent claim 30 as amended is patentably distinguishable over McIchionc and Norton. Applicant respectfully submits that Satterlee adds nothing to the teachings of McIchionc and Norton so as to render independent claim 30 unpatentable. Therefore, claims 31, 35 and 37 are also submitted to be patentable over McIchionc, Norton and Satterlee, and reconsideration and withdrawal of the 35 U.S.C §103 rejection of these claims is respectfully solicited.

With respect to the rejection of claims 39 and 44 under 35 U.S.C §103(a) as being unpatentable over McIchionc, in view of Norton and further in view of Satterlee, these claims depend directly or indirectly from independent claim 38. Claim 38 has been amended to recite similar features to independent claims 1, 9 and 21 and is therefore submitted to be patentable over McIchionc and Norton. Applicant respectfully submits that Satterlee adds nothing to the teachings of McIchionc and Norton so as to render independent claim 38 unpatentable. Therefore, claims 39 and 44 are also submitted to be patentable over McIchionc, Norton and Satterlee. Reconsideration and withdrawal of the Section 103 rejection of claims 39 and 44 is therefore respectfully requested.

Claim 18 was rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton and further in view of Satterlee and Wolff. This rejection is respectfully traversed. Claim 18 depends indirectly from independent claim 9. As a result of this dependency, claim 18 contains all of the features of claim 9. As previously discussed, claim 9 has been amended to patentably distinguish over McIchionc and Norton. Applicant respectfully submits that Satterlee and Wolff add nothing to the teachings of McIchionc and Norton so as to render independent claim 9 unpatentable. Accordingly, claim 18 is also submitted to patentably distinguishable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 18 is respectfully requested.

Claims 27 and 36 were rejected under 35 U.S.C §103(a) as being unpatentable over McIchionc in view of Norton and in further view of Wolff. This rejection is also respectfully traversed. Claim 27 depends indirectly from independent claim 21 and claim 36 depends indirectly from independent claim 30. As previously discussed, claims 21 and 30 have been amended to patentably distinguish over McIchionc and Norton. Also as previously discussed, Wolff adds nothing to the teachings of McIchionc and Norton so as to render independent claims 21 and 30 unpatentable. Therefore, claims 27 and 36 are also submitted to be patentable distinguishable over McIchionc, Norton and Wolff, and reconsideration and withdrawal of the Section 103 rejection as to claims 27 and 36 is respectfully requested.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully solicited.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 090461.

Respectfully submitted,

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